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ONE HUNDRED ELEVENTH CONGRESS

U.S. House of Representatives

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MEMORANDUM FOR ALL MEMBERS, OFFICERS, AND EMPLOYEES

FROM: Committee on Standards of Official Conduct
Zoe Lofgren, Chair *ZL*
Jo Bonner, Ranking Republican Member *JB*

SUBJECT: New Procedure for Certifying 2009 Annual Ethics Training Compliance

Every House employee must complete his or her mandatory annual ethics training by December 31, 2009.

The Committee has issued two memoranda during 2009 outlining the mandatory ethics training requirements for all House employees for calendar year 2009.¹ Pursuant to that guidance, each House employee must complete one hour of ethics training during calendar year 2009. (A summary of required training for House employees is included at the end of this memorandum.)

In addition, each House employee must individually document that he or she has completed his or her required training.²

In past years, the Committee's policy has been to also require each employing authority, including Members, officers, committee chairs, and committee ranking members, to file a year-end certification letter with the Committee stating that the employing authority's House employees who were on the payroll as of December 31 of the training year fulfilled the annual training requirement.

By this memorandum, the Committee is eliminating the employing authority certification requirement for 2009.³ The Committee is revising its guidance to alleviate the burdens of duplicative filings and to streamline the year-end certification process. The revised certification process will enable the Committee to ensure compliance with the annual training requirements more efficiently and effectively.

¹ See "Annual Ethics Training Requirement for 2009" (February 26, 2009); and "Reminder About 2009 Ethics Training Requirement" (October 14, 2009).

² House Rule 11, clause 3(a)(6)(B)(ii) (requiring each individual to certify with the Committee no later than January 31 of each year that the individual attended the appropriate ethics training, as determined by the Committee, in the last year).

³ Id.

Under the guidance announced in this memorandum, each House employee must certify to the Committee **no later than January 31, 2010**, his or her compliance with mandatory training requirements for calendar year 2009. Senior staff may certify completion of their additional training requirement for the 111th Congress, if they completed appropriate senior staff training during calendar year 2009.

FAILURE TO COMPLETE MANDATORY TRAINING IS AN ETHICS VIOLATION AND MAY SUBJECT STAFF TO SANCTIONS

It is a violation of House rules for House employees to fail to complete their mandatory annual training requirement.⁴ The Committee is authorized to investigate alleged violations by House employees of standards of conduct applicable to their conduct.⁵ The Committee may impose sanctions when it establishes that employees have failed to fulfill their mandated annual training requirements.⁶ Potential sanctions include:

- 1) Dismissal from employment;
- 2) Reprimand;
- 3) Fine; or
- 4) Any other sanction determined by the Committee to be appropriate.⁷

In past memoranda regarding training requirements, the Committee has opined that publication of noncompliant employee names may be a possible sanction. The Committee has concluded that such publication is consistent with the Committee's ongoing efforts to improve transparency and accountability, as well as its confidentiality obligations. Although the Committee is eliminating the employing authority certification requirement for 2009, the Committee notes that the identity of a particular officer or employee's employing authority is a matter of public record.

2009 TRAINING CERTIFICATION PROCEDURE

Every House employee must complete appropriate ethics training by December 31, 2009. A summary of the training requirements is included at the end of this memorandum.

Each House employee must certify to the Committee his or her completion of the 2009 annual ethics training requirement **no later than January 31, 2010**. An employee may do so in one of two ways:

⁴ See id.

⁵ House Rule 11, clause 3(a)(2).

⁶ See House Rule 11, clause 3(a)(2); Committee Rule 18(a).

⁷ See Committee Rule 24(f).

- 1) By signing in at any live training;⁸ or
- 2) By completing the certificate of completion for video training or an on-line tutorial (which must be signed by a supervisor) *and sending the completed form to the Committee.*

On-line training certification forms may be sent to the Committee by hand delivery, or inside mail (HVC-227), fax (5-7392), or email (standardscommittee@mail.house.gov). House employees may send forms individually, or an office's ethics certification officer may collect forms and send them as a group to the Committee. Each employee should retain a copy of his or her certification form(s) as evidence of compliance. The Committee recommends that ethics certification officers also retain copies of such records.

After the January 31, 2010, submission deadline, the Committee will verify compliance with the annual training and certification requirements. Should the Committee identify employees who failed to complete or certify satisfaction of the mandated training requirements, the Committee may investigate such matters. If the Committee determines that violations occurred, it may impose sanctions, as discussed above. In doing so, the failure to properly notify the Committee of non-compliance with training requirements, as discussed below, may be considered.

EMPLOYEES WHO FAILED TO PROPERLY COMPLETE 2009 MANDATED ETHICS TRAINING

Any House employee who failed to comply with mandated training in 2009 **must** send a letter to the Committee explaining the circumstances leading to the failure to complete training. This requirement applies not only House employees who do not complete any annual training in 2009, but also new employees who completed training later than the 60-day deadline set by House rules. This letter must be received no later than January 31, 2010.

REQUESTS TO CONFIRM TRAINING COMPLETION

Ethics certification officers who would like to check the Committee's records as to which individual employees in their office have already completed training must email their request to standardscommittee@mail.house.gov. Due to the volume of such requests, these requests will not be handled via phone, fax, or in-person inquiry.

⁸ NOTE: Sign-in sheets are made available only at the start of the training session to ensure attendees receive the full hour of training. Tardy staff will not be given credit for training sessions.

SUMMARY OF 2009 TRAINING REQUIREMENTS

New Employees

*** WITHIN 60 DAYS OF BEGINNING HOUSE EMPLOYMENT ***

- **New employees in Washington, D.C., offices** must attend a live "New Employee" briefing to satisfy their ethics training requirement.
 - The **LAST** New Employee Training session is scheduled for December 11, 2009, at 3:30 p.m. in the CVC Auditorium.
- **New employees in district offices must watch the "New District Office Staff" training video**, which is available on HouseNet.
- **New senior staff** (employees having a salary rate at or above \$117,787 for 2009) must complete an **additional** training during calendar year 2009 by watching the **"Senior Staff" training video**, which is available on HouseNet.

Existing Employees

- All **existing staff** must complete a training course *on or before December 31, 2009*. Employees have a number of options:
 - **Watch** one of the ethics training videos available on HouseNet (Topics include: (1) Campaign Activity or (2) Gifts and Travel); or
 - **Complete** ONE online training module on HouseNet (Topics include: (1) General Ethics Training or (2) Gifts and Travel).
- **Existing senior staff** must also complete a second hour of specialized "senior staff" training before the end of the 111th Congress (between January 1, 2009, and December 31, 2010) by either:
 - **Watching** the "senior staff" training video available on HouseNet; or
 - **Attending** a live "senior staff" or "financial disclosure" training session. A Senior Staff training session is scheduled for December 15, 2009, at 3:30 p.m. in HC-5.

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If you have any questions about the training requirements, please feel free to contact the Committee at (202) 225-7103.